

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DONALD HENLEY, ID # 1234515,)
Petitioner,)
vs.) No. 3:06-CV-0237-P
) ECF
NATHANIEL QUARTERMAN, Director,)
Texas Department of Criminal)
Justice, Correctional Institutions Division,)
Respondent.)

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

For the reasons stated in the Findings, Conclusions, and Recommendation, the Court construes respondent's motion for summary judgment (doc. 6) as respondent's answer to the petition filed in this action. **Consequently, the Clerk of the Court shall terminate the motion for summary judgment, docket it as respondent's answer to the petition, and docket petitioner's response to the motion (doc. 7) as petitioner's reply to the answer.** By separate judgment, the Court will formally deny petitioner's federal petition for writ of habeas corpus consistent with the Findings, Conclusions, and Recommendation entered in this case.

SIGNED this 28th day of September 2007.



JORGE A. SOLIS
UNITED STATES DISTRICT JUDGE